



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,811

01/17/2006

Lawrence Kesteloot

217.1023.02

3403

78037

7590

08/09/2010

KALEIDESCAPE, INC.

440 POTRERO AVE.

SUNNYVALE, CA 94085-4117

EXAMINER

STEVENS, ROBERT

ART UNIT

PAPER NUMBER

2162

NOTIFICATION DATE

DELIVERY MODE

08/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@KALEIDESCAPE.COM

Office Action Summary	Application No. 10/564,811	Applicant(s) KESTELOOT ET AL.	
	Examiner ROBERT STEVENS	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-44, 51, 53-70, 73-98, 105 and 107-147 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 20, 37-44, 51, 53-56, 62, 64-70, 83, 91-98, 105, 107-111, 125, 126 and 134 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 10-19,21-36,57-61,63,73-82,84-90,112-124,127-133 and 135-147.

DETAILED ACTION

1. The Office withdraws the previous objection to claim 69 and the previous rejections of the claims under 35 USC §112-2nd paragraph, in light of the amendment. The Office maintains the previous objection to claim 38 and the previous rejections of the claims under 35 USC §103(a), in light of the amendment

Response to Arguments

2. Applicant's arguments filed 5/24/2010 have been fully considered but they are not persuasive.

Regarding the previous rejection of claim 1 under 35 USC 103(a), Applicant argues on pages 31-32 that the Arora reference does not teach the recited claim language.

The Office respectfully disagrees, noting that the references as a whole teach the recited claim language. It is noted that the Arora reference incorporates black bars into a video stream, thereby masking the display of said stream on a display screen.

Therefore, the references have been reasonably interpreted as suggesting the recited claim language.

Regarding the previous rejection of claim 1 under 35 USC 103(a), Applicant argues on pages 32-33 that the Hazi reference does not teach the recited claim language.

The Office respectfully disagrees, noting that the references as a whole teach the recited claim language. Hazi teaches the use of stored metadata to adjust how a user views data associated with that metadata. As such, Arora in view of Hazi was reasonably interpreted as suggesting the recited claim language.

Applicant asserts on page 31 that independent claims 6, 37, 64, 69 and 91 (reciting similar limitations to claim 1) and dependent claims 2, 5, 7, 20, 38-41, 65, 68, 70, 83, 92-95 and 134 are allowable for the reasons set forth concerning independent claim 1.

The Office respectfully disagrees, and counter-asserts the rationale set forth above concerning claim 1.

Regarding the previous rejection of independent claims 51 and 105, and dependent claims 53-54 and 107-110, Applicant asserts on pages 33-35 substantially similar arguments as those presented for claim 1.

The Office respectfully disagrees, and counter-asserts the rationale set forth above concerning claim 1.

Regarding the previous rejection of claim 125-126 under 35 USC 103(a), Applicant argues on pages 35-36 that the Arora reference does not teach the recited claim language.

The Office respectfully disagrees, noting that the references as a whole teach the recited claim language. The cited portions of the Arora disclosure include [0022] discussing access of an electronic program guide, and Fig. 4 showing a network-resident program guide. Such teachings are suggestive of server-based availability of media associated with an electronic program guide.

Therefore, the references have been reasonably interpreted as teaching the recited claim language.

Applicant asserts on page 36 that claims 1-2, 5-7, 20, 37-41, 51, 53-54, 64-65, 68-70, 83, 91-95, 105, 107-110, 125-126 and 134 are allowable for the reasons discussed above.

The Office respectfully disagrees, and counter-asserts the rationale set forth above.

Regarding the previous rejection of claims 3-4, 43, 66-67 and 97 under 35 USC 103(a), Applicant argues on pages 36-37 that these claims are allowable for the reasons argued above concerning claim 1.

The Office respectfully disagrees, and counter-asserts the rationale set forth above concerning claim 1.

It is further noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-1333, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Office also notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

For at least these reasons, the Office asserts the rejections of the claims as set forth below.

Claim Objections

3. **Claim 38 is objected to** because of the following informalities: Line 1 is missing a parenthesis after the “Previously Presented” label. Applicant is respectfully reminded to review the claims / disclosure (including the drawings) for informalities.

Appropriate correction is required. See MPEP 608.01(m).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2, 5-7, 20, 37-41, 51-54, 64-65, 68-70, 83, 91-95, 105-110, 125-126, and 134 rejected under 35 U.S.C. 103(a)** as being anticipated by Arora (US 2004/00114049, hereafter “Arora”) in view of Hazi et al (US 7,356,492, hereafter “Hazi”).

Independent Claims 1, 6, 37, 64, 69, 91, and 125

Claims 1 and 64: Arora discloses a method and apparatus, including steps of and means for adjusting in response to said metadata, adjusting masking elements of a display screen (See Arora page 2, paragraph [0017] where it is disclosed that the content to be displayed and the

Art Unit: 2162

aspect ratio that the display screen should display it in, can be obtained from a database, a program guide, where metadata is stored associating aspect ratios with the media streams).

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *receiving metadata associated with a media stream from a remote database*; (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Claims 6 and 69: Arora discloses a method and apparatus, including steps of and means for

- presenting a media stream having an aspect ratio on a display screen (See Arora page 2, paragraph [0014] where it is disclosed that the display device having one aspect ratio may receive input media streams of a different aspect ratio);
- adjusting a viewable area of said display screen in response to said information (See Arora page 2, paragraph [0014] where it is disclosed that the aspect ratio of the display device is manipulated to properly display the aspect ratio of the input media stream).

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *receiving information from a source external to the media stream, said information relating to said aspect ratio*; (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Claim 37: Arora discloses a method, comprising:

- adjusting an active area of a display in response to a media stream and a remote first database (See Arora page 2, paragraph [0017] where it is disclosed that a media stream and information about the media stream can be obtained from a program guide application. Also see Arora page 2, paragraph [0014] where the aspect ratio of an active

Art Unit: 2162

area of a display is changed to accommodate an input stream, based both on the media stream and information about the media stream)

- wherein said adjusting comprises manipulating a masking element (See Arora page 2, paragraph [0014] where it is disclosed that the steps of adjusting the active display area may use black bars to mask portions of the display, achieving the correct aspect ratio for the input media stream).

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *said first database including information associating said media stream with aspect ratio information*, (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Claim 91: Arora discloses an apparatus comprising

- said metadata comprising at least two of: aspect ratio information; horizontal size information; vertical size information; resolution; anamorphic compression; and letterboxing (See Arora page 2, paragraph [0017] where it is disclosed that the program guide can store aspect ratio information for each of the media streams).
- means for adjusting an active area of a display in response to said metadata, said adjusting comprising manipulating a masking element (See Arora page 2, paragraph [0017] where it is disclosed that a media stream and information about the media stream can be obtained from a program guide application. Also see Arora page 2, paragraph [0014] where the aspect ratio of an active area of a display is changed to accommodate an input stream, based both on the media stream and information about the media stream),

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *means for receiving metadata associated with a media stream from a remote first database*, (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Art Unit: 2162

Claim 125: Arora discloses an apparatus comprising

- means for generating a request, said request indicating a media stream available from a first server (See Arora page 3, paragraph [0022] where a program guide is accessed to determine information about the video currently being processed. Also see Arora paragraph [0032] where it is disclosed that the media stream may be available from a local server store comprised in the video system (See Arora Figure 4);
- means for transmitting said request from said first server to a second server (See Arora page 5, paragraph [0037] where it is disclosed that the systems, including the display device and the program guide, of Arora can be realized on computers. Also see Arora page 2, paragraph [0036] where it is disclosed that the video system of Arora can send a request for media information to the program guide via the internet); and
- means for identifying at least one media stream, said metadata including at least one set of aspect ratio information (See Arora page 2, paragraph [0017] where it is disclosed that a request to a program guide can be for aspect ratio information for a specified media stream).

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *and at least one set of metadata associated with said request*, (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Dependent claims 2, 5, 7, 20, 38-42, 51-54, 65, 68, 70, 83, 92-96, 105-110, 126, and 134

Claims 2, 40, 65 and 94: Arora discloses *wherein said adjusting further comprises adjusting said masking elements in order to accommodate an on-screen display* (See Arora page 2, paragraph [0015] where, in one embodiment the aspect ratio of the media stream can be stripped of extraneous content, such as letterboxing, to show accommodate a desktop display).

Claims 5 and 68: Arora discloses, wherein said adjusting further comprises automatically controlling one or more physical masks (See Arora page 2, paragraph [0014] where it is disclosed that some aspect ratios can be displayed by using masks to allow the picture to conform to the display area. Also see Arora page 3, paragraph [0019] where it is disclosed that the aspect ratio displayed can be automatically adjusted in response to the input media stream).

Art Unit: 2162

Claims 7 and 70: Arora discloses, wherein said adjusting comprises automatically moving masking (See Arora page 2, paragraph [0014] where it is disclosed that black bars may be used to crop the display area such that the area not covered by the black bars accommodates the input media stream aspect ratio).

Claims 20 and 83: Arora discloses, wherein said metadata comprises a specific aspect ratio associated with said media stream (See Arora page 2, paragraph [0017] where it is disclosed that the information stored in the program guide can contain aspect ratio information for each media stream).

Claims 38 and 92: Arora discloses, wherein said active area of said display is a reflective portion of said display visible to a human viewer (See Arora page 2, paragraph [0014] where it is disclosed that the methods may be used with an analog television streams. One having ordinary skill in the art would have understood that televisions, such as cathode ray tube (CRT) and liquid crystal display (LCD) televisions, typically have reflective displays).

Claims 39 and 93: Arora discloses, wherein said active area of said display is an illuminated portion of said display visible to a human viewer (See Arora page 2, paragraph [0014] where it is disclosed that the methods may be used with an analog television signal. One having ordinary skill in the art would have understood that televisions, such as CRT and LCD televisions, illuminate the active area of the display in order to display the media streams).

Art Unit: 2162

Claims 41 and 95: Arora discloses, wherein said metadata indicates a portion of a video frame occupied by a desired picture, wherein said active area of the display is adjusted to present the desired picture and exclude a remainder of the video frame (See Arora page 2, paragraph [0014] where the input media stream may be provided with aspect ratio information that is different from the display aspect ratio. The display is then adjusted to add black bars, excluding some remainder of the display area, in order to display the input media stream in the correct aspect ratio).

Claims 42 and 96: Arora discloses, wherein said metadata indicates a portion of a video frame occupied by a desired picture, whereby said active area of the display is adjusted by enlarging an image of said desired picture such that the active area contains the desired picture while excluding at least some portion of the video frame (See Arora page 2, paragraph [0014] where it is disclosed that masking is used to exclude portions of the video frame such that the correct aspect ratio is displayed. Arora discloses that when converting a 16:9 media stream to play on a 4:3 display device the masking only needs to be applied to the top and bottom of the display device. Regardless of any resolution difference between the media stream and the display device it is the aspect ratio that determines how the media stream is displayed on the display device. In other words, if the 16:9 content is produced at a lower resolution than the 4:3 display, the content will be “enlarged” to the point where the correct aspect ratio of 16:9 is displayed, and then masking will be applied to the top and bottom of the display).

Claims 51 and 105: Arora discloses a method and apparatus, comprising adjusting a viewable area of a display, with reference to said metadata, in order to accommodate a first and a second element of said video stream, (See Arora page 2, paragraph [0014] where it is disclosed that a media stream can be displayed to conform to an aspect ratio of the display. Also see Arora page 2, paragraph [0018] where it is disclosed that said video stream may include additional elements, such as close captioning or subtitling.), wherein said first database comprises information associating the first element of said video stream with some combination of aspect ratio, horizontal size, vertical size, resolution, anamorphic compression, and letterboxing (See Arora page 2, paragraph [0017] where it is disclosed that the media stream can be obtained from a program guide, where the program guide can associate aspect ratio information with the media stream).

However, Arora does not explicitly teach the remaining limitations as claimed. Hazi, though, discloses *receiving metadata associated with a media stream from a first database;* (See Hazi Abstract discussing the use of a database having a plurality of data records for providing a view, in the context of col. 4 lines 41-42 discussing the use of a masking module and col. 8 lines 31-39 discussing the use of a metadata database.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hazi for the benefit of Arora, because to do so enabled a designer to implement a system that selectively provided a view to a user, as taught by Hazi in the Abstract. These references were all applicable to the same field of endeavor, i.e., display mechanisms.

Claims 53 and 107: Arora discloses, wherein said viewable area is adjusted using some combination of masks and sidebars (See Arora page 2, paragraph [0014] where it is disclosed that some combination of black bars may be used to adjust the display to accommodate the aspect ratio of the media stream).

Claims 54 and 108: Arora discloses, wherein said first element includes a motion picture (See Arora page 2, paragraph [0014] where it is disclosed that the media stream can comprise video content) and said second element includes at least one of: a caption; a closed-caption; a subtitle; a translation; and a ticker feed (See Arora page 2, paragraph [0018] where it is disclosed that the media stream can comprise closed captioning or subtitling information).

Claim 109: Arora discloses, wherein said means for adjusting are also responsive to at least a portion of the media stream being viewed (See Arora page 3, paragraph [0019] where it is disclosed that the display can be dynamically adjusted to accommodate changing aspect ratios in the media stream).

Claim 110: Arora discloses, wherein said means for adjusting are also responsive to triggering of one or more watchpoints (See Arora page 3, paragraph [0019] where it is disclosed that the display can be adjusted in response to a change of aspect ratio in the media stream).

Art Unit: 2162

Claim 126: Arora discloses the apparatus as in claim 125, further comprising

- means for generating a response in answer to said request, said response including at least one set of aspect ratio information (See Arora page 2, paragraph [0017] where it is disclosed that the program guide is queried and provides aspect ratio information for a given media stream);
- means for transmitting said response from said second server to said first server (See Arora page 2, paragraph [0017] where it is disclosed that the program guide can communicate with the requesting device over the internet);
- means for parsing said response, said parsing extracting said at least one set of aspect ratio information from said response (See Arora page 2, paragraph [0017] where it is disclosed that the information returned by the program guide specifying aspect ratio information can be processed by the aspect ratio detector to determine the aspect ratio as specified by the program guide);
- means for interpreting said aspect ratio information at a mask controller (See Arora page 2, paragraph [0014] where it is disclosed that masks, such as black bars, can be moved or added in response to the aspect ratio of the media stream in order to display the media stream with the appropriate aspect ratio on the display device); and
- means for moving a set of masks responsive to said interpreting (See Arora page 2, paragraph [0014] where it is disclosed that masks, such as black bars, can be moved and added in response to the aspect ratio determination).

Art Unit: 2162

Claim 134: Arora discloses, further comprising maximizing usage of said display screen in response to presence in the media stream of a picture having an alternate aspect ratio differing from said aspect ratio (See Arora page 3, paragraph [0019] where it is disclosed that the active display can be dynamically adjusted to accommodate changing aspect ratios in the input.

Therefore, if a new media stream having an aspect ratio R_3 is introduced, being different than the previously used aspect ratio of R_1 , the display will be automatically adjusted to accommodate the new aspect ratio).

6. **Claim 3 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Arora (US 2004/0114049, hereafter “Arora”) in view of Sie et al. (US 2004/0212731, hereafter “Sie”).

Claim 3: Arora discloses a method, comprising adjusting masking elements of a display screen in response to input from a viewer (See Arora page 3, paragraph [0019] where it is disclosed that the user can specify appropriate aspect ratios for incoming media content, and that the media content is then displayed according to those preferences).

But Arora does not explicitly disclose sending information associated with said masking elements to a remote database.

However Sie discloses a method for manipulating video aspect ratios, and further discloses that a user could influence media stream metadata, such as media stream aspect ratio, to reflect their preferences (See Sie page 5, paragraph [0068]). Sie also discloses that this metadata for the

Art Unit: 2162

media streams can be located remotely from the display device, and that remote manipulation of the metadata is possible. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora and Sie and to send the adjusted aspect ratio to a remote database. One would have been motivated to combine the teachings of Arora and Sie because they are both directed toward the management of media streams, and more specifically both disclosures address adjusting the aspect ratios of the media streams and display devices. Sie also discloses additional methods for user interaction with the metadata of the media streams.

7. Claims 3-4, 43, 66-67, and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (US 2004/0114049, hereafter “Arora”) in view of Hazi et al (US 7,356,492, hereafter “Hazi”) and Sie et al. (US 2004/0212731, hereafter “Sie”).

Claims 4 and 67: Arora discloses, wherein said metadata comprises a specified aspect ratio associated with said media stream (See Arora page 2, paragraph [0017] where it is disclosed that a program guide may comprise information relating a specified aspect ratio associated with a particular media stream).

But Arora and Hazi do not explicitly disclose an adjustment from a known aspect ratio to said specified aspect ratio.

Art Unit: 2162

However Sie discloses a method for manipulating video aspect ratios, and further discloses that media metadata may comprise aspect ratio conversion data, to indicate how to convert from one aspect ratio to another (See Sie page 3, paragraph [0043]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora and Sie and for the metadata information to comprise an adjustment from a known aspect ratio to said specified aspect ratio. One would have been motivated to combine the teachings of Arora and Sie because they are both directed toward the management of media streams, and more specifically both disclosures address adjusting the aspect ratios of the media streams and display devices.

Claims 43 and 97: Arora and Hazi do not explicitly disclose that said metadata/information in said first database indicates that at least one video frame is letterboxed. However Sie discloses a method for manipulating video aspect ratios, and further discloses that media stream metadata can comprise letterboxing information (See Sie page 5, paragraph [0068]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora and Sie and for the metadata information to comprise information that at least one video frame is letterboxed. One would have been motivated to combine the teachings of Arora and Sie because they are both directed toward the management of media streams, and more specifically both disclosures address adjusting the aspect ratios of the media streams and display devices.

Claim 66: Arora discloses, further comprising means for adjusting said masking elements in response to an input from a viewer (See Arora page 3, paragraph [0019] where it is disclosed that the user can specify appropriate aspect ratios for incoming media content, and that the media content is then displayed according to those preferences).

But Arora and Hazi do not explicitly disclose sending that input to the database.

However Sie discloses a method for manipulating video aspect ratios, and further discloses that a user could influence media stream metadata, such as media stream aspect ratio, to reflect their preferences (See Sie page 5, paragraph [0068]). Sie also discloses that this metadata for the media streams can be located remotely from the display device, and that remote manipulation of the metadata is possible. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora and Sie and to send the adjusted aspect ratio to a remote database. One would have been motivated to combine the teachings of Arora and Sie because they are both directed toward the management of media streams, and more specifically both disclosures address adjusting the aspect ratios of the media streams and display devices. Sie also discloses additional methods for user interaction with the metadata of the media streams.

8. Claims 44 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (US 2004/0114049, hereafter “Arora”) in view of Hazi et al (US 7,356,492, hereafter “Hazi”) and AbiEzzi et al. (US 2005/0132405, hereafter “AbiEzzi”).

Art Unit: 2162

Claims 44 and 98: Arora and Hazi do not explicitly disclose identifying a particular media stream with reference to a hash associated with the media stream. However AbiEzzi discloses a media server that uses a hash of a media stream to uniquely look up information about that media stream (See AbiEzzi page 3, paragraph [0022]). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora, Hazi and AbiEzzi and to identify a particular media stream with reference to a hash associated with the media stream. One would have been motivated to identify a particular media stream with reference to a hash associated with the media stream in order to uniquely look up information for that media stream.

9. Claims 62 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (US 2004/0114049, hereafter “Arora”) in view of Hazi et al (US 7,356,492, hereafter “Hazi”) and Marflak et al. (US 6,369,851, hereafter “Marflak”).

Claims 62 and 111: Arora and Hazi do not explicitly disclose that said steps of adjusting include displaying a color that minimizes burn-in in an inactive area of said display. However Marflak discloses that burn in due to letterboxing can be minimized by though the use of an edge modification signal to reduce the brightness levels at the top and bottom of the image, effectively changing the color of the letterboxing (See Marflak column 2, lines 56-65). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Arora, Hazi and Marflak and that the steps of adjusting could include

Art Unit: 2162

displaying a color that minimizes burn-in in an inactive area of said display. One would have been motivated to combine the teachings of Arora, Hazi and Marflak because they are both directed toward the playback of media streams, specifically media streams in which there may be letterboxing. Furthermore Marflak's method reduces the possibility of burn-in in Arora's methods.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents

Dean et al	6,771,323
Astle et al	5,953,076

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Stevens/
Primary Examiner, Art Unit 2162

July 26, 2010